

Message Text

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ACTION IO-13

INFO OCT-01 ACDA-07 ERDA-05 AF-08 ARA-06 CIAE-00 DODE-00
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AMEMBASSY MEXICO
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AMEMBASSY NEW DELHI
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AMEMBASSY PORT OF SPAIN
AMEMBASSY ROME
AMEMBASSY STOCKHOLM
AMEMBASSY THE HAGUE
AMEMBASSY TOKYO
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C O N F I D E N T I A L SECTION 1 OF 2 USUN 6391

E.O. 11652: GDS
TAGS: PARM, UN, US, UR, FI, MX, AR
SUBJECT: UNGA DISARMAMENT: ASSESSMENT OF ENVIRONMENTAL
MODIFICATION (ENMOD) DEBATE

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1. SUMMARY. THE US ACHIEVED ONE OF ITS MAJOR OBJECTIVES
IN THE 1976 UNGA DISARMAMENT DEBATE IN SECURING APPROVAL
OF THE CONVENTION ON THE PROHIBITION OF MILITARY OR ANY
OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES
NEGOTIATED DURING 1976 AT THE CONFERENCE OF THE COMMITTEE
ON DISARMAMENT (CCD). MAJOR FACTORS CONTRIBUTING TO THIS

SUCCESS WERE INTENSIVE AND HIGH-LEVEL LOBBYING BY US AND SOVIET DELS, STRONG SUPPORT FROM MOST OF OUR ALLIES, AND CRITICAL HELP FROM KEY NONALIGNED. HOWEVER, THE RESOLUTION REQUESTING THE SYG, AS DEPOSITARY, TO OPEN THE CONVENTION FOR SIGNATURE AND RATIFICATION WAS THE MOST CONTROVERSIAL ITEM IN THE DEBATE, ADOPTED OVER STRONG OBJECTIONS FROM A VOCAL MINORITY LED BY MEXICO. CRITICISM OF THE CONVENTION, PARTICULARLY OF ITS LIMITED SCOPE, HAS LEFT WIDESPREAD DOUBTS ABOUT ITS MERITS WHICH MAY BE REFLECTED IN SLOW AND LIMITED ADHERENCE. FURTHER STOPS MAY BE NEEDED TO ALLAY FEARS THAT THE CONVENTION MAY, IN EFFECT, LEGITIMIZE A NEW FORM OF WARFARE. END SUMMARY.

2. UNGA ADOPTION ON DEC 10 OF A US-SOVIET-FINNISH RESOLUTION CALLING ON THE SYG TO OPEN THE ENMOD CONVENTION FOR SIGNATURE AND RATIFICATION WAS A DISTINCT US (AND SOVIET) SUCCESS AT THE 1976 ASSEMBLY. THE RESOLUTION WAS APPROVED BY A RESPECTABLE (IF NOT OVERWHELMING IN UN TERMS) VOTE OF 96 TO EIGHT, WITH 30 ABSTENTIONS. A COMPETING MEXICAN RESOLUTION SIMPLY CALLING FOR COMMENTS ON THE CONVENTION WAS PREVENTED FROM COMING TO A VOTE.

3. ON BALANCE, THE OUTCOME WAS BETTER THAN MIGHT HAVE BEEN EXPECTED IN LIGHT OF A VIGOROUS AND DETERMINED CAMPAIGN AGAINST THE CONVENTION LED BY MEXICO AND INAUGURATED BY MEXICAN FONMIN GARCIA ROBLES HIMSELF.

A NUMBER OF FACTORS CONTRIBUTED TO THIS SUCCESS, INCLUDING:

--INTENSIVE LOBBYING BY US AND SOVIET DELS, INCLUDING
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FORMAL PRESENTATIONS TO REGIONAL GROUPS AND INTERVENTIONS BY US REPS SCRANTON, BENNETT, AND MARTIN AND BY FIRST DEPUTY FONMIN KUZNETSOV AND AMB ISSRAELIAN OF THE USSR; --STRONG SUPPORT, DESPITE SOME RESERVATIONS, BY MOST OF OUR ALLIES, ESPECIALLY THE NETHERLANDS, CANADA, JAPAN, AND UK. THE DUTCH WERE PARTICULARLY EFFECTIVE IN OFFERING SUBSTANTIVE ARGUMENTATION IN DEFENSE OF THE CONVENTION; --VALUABLE HELP FROM SOME NONALIGNED, INCLUDING INDIA, BRAZIL, AND NIGERIA (THE LAST OF THESE AFTER A NUMBER OF MODIFICATIONS WERE MADE TO THE RESOLUTION REDUCING ITS DEGREE OF ACTUAL "ENDORSEMENT" OF THE TEXT).

4. THE EFFORT EXPENDED BY THE SOVIETS IS PARTICULARLY NOTEWORTHY, INDICATING THAT THE OPENING OF THE ENMOD CONVENTION CONSTITUTED A MAJOR SOVIET POLICY OBJECTIVE AT THE UNGA. ALTHOUGH CRITICS OF THE CONVENTION'S SCOPE FREQUENTLY RECALLED THAT THE SOVIETS HAD THEMSELVES

PROPOSED A COMPREHENSIVE TREATY IN 1974, THE SOVIETS STEADFASTLY DEFENDED THE NEGOTIATED TEXT REFLECTING US INSISTENCE ON A MORE RESTRICTED BAN. SOVIET ACTIONS APPEARED TO REFLECT A JUDGMENT THAT APPROVAL OF THE CONVENTION WAS THE BEST AVAILABLE SYMBOL OF THE VITALITY OF THE DETENTE PROCESS IN THE FACE OF SLUGGISH PROGRESS IN SALT AND MBRF, AND A DEMONSTRATION OF THE CONTINUING PRODUCTIVITY OF THE CCD.

5. ATTITUDES TOWARD THE CONVENTION. THE 96 VOTES FOR THE RESOLUTION ARE NOT NECESSARILY AN ACCURATE REFLECTION OF SUPPORT FOR THE CONVENTION ITSELF. VIRTUALLY EVERY DELEGATION THAT ADDRESSED THE ISSUE EXPRESSED SOME DEGREE OF RESERVATION, DOUBT, REGRET, OR CONCERN. THE CONVENTION'S SCOPE, LIMITED TO TECHNIQUES "HAVING WIDESPREAD, LONG-LASTING, OR SEVERE EFFECTS," CLEARLY CAUSED THE GREATEST DIFFICULTIES, WITH CONCERNS WIDELY EXPRESSED THAT THIS LIMITATION MIGHT (A) GIVE TACIT
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LICENSE TO LOW-LEVEL ENVIRONMENTAL WARFARE, (B) PROVE DIFFICULT TO INTERPRET AND IMPLEMENT, AND/OR (C) HAVE UNEQUAL APPLICABILITY TO SMALL AND LARGE COUNTRIES. FEW, HOWEVER, APPEARED PERSUADED BY INCORRECT AND EMOTIONAL MEXICAN CHARGES THAT THE CONVENTION WOULD LEGITIMIZE "SUCH MONSTROUS ACTS" AS THE HOSTILE GENERATION OF EARTHQUAKES AND TIDAL WAVES. BUT EVEN FEWER ACCEPTED US ARGUMENTS THAT A COMPREHENSIVE BAN WOULD CREATE GREATER PROBLEMS OF INTERPRETATION AND INCREASE RISKS OF UNFOUNDED CLAIMS OF VIOLATION THAT COULD UNDERMINE THE CONVENTION'S EFFECTIVENESS IN ACHIEVING ITS MAJOR PURPOSES.

6. MOST DELS THAT EXPRESSED SUPPORT FOR THE CONVENTION DESPITE THEIR RESERVATIONS EXPLAINED THEIR POSITIONS AS REFLECTING A DETERMINATION THAT THE CONVENTION (A) WAS AT LEAST A STEP IN THE RIGHT DIRECTION, (B) REPRESENTED AN AREA OF US-SOVIET AGREEMENT THAT SHOULD BE ENCOURAGED RATHER THAN THWARTED, (C) HAD WIDE IF NOT UNIVERSAL SUPPORT AMONG CCD MEMBERS, AND/OR (D) WAS UNLIKELY TO BE IMPROVED BY FURTHER NEGOTIATIONS, WHICH WOULD ONLY SERVE TO DIVERT THE CCD FROM HIGHER PRIORITY ISSUES. VIEWS ALONG THESE LINES WERE STATED BY DELEGATIONS AS DIVERSE AS CANADA, JAPAN, IRELAND, SWEDEN, AUSTRIA, TURKEY, MOROCCO, DEMOCRATIC YEMEN, AND SIERRA LEONE.

7. A NUMBER OF DELEGATIONS, INCLUDING DENMARK, JORDAN, ITALY, AND IRELAND, EXPLICITLY BASED THEIR SUPPORT IN PART ON THE CONVENTION'S REVIEW CONFERENCE PROVISION (ARTICLE VIII), EXPRESSING THE HOPE THAT THE SCOPE

WOULD BE EXPANDED AT THE FIRST REVCON. SOME CITED
THE COMPLAINTS PROCEDURE, INCLUDING PROVISION FOR A
CONSULTATIVE FACT-FINDING COMMITTEE OF EXPERTS (ARTICLE V
AND ANNEX) AS A KEY FACTOR IN THEIR ACCEPTANCE OF THE
CONVENTION. HOWEVER, SEVERAL DELS (E.G., SWEDEN, IRELAND,
ITALY) WARNED THAT THE COMPLAINTS PROCEDURE WAS STILL INADEQUATE
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AND SHOULD NOT BE TAKEN AS A PRECEDENT FOR FUTURE
AGREEMENTS.

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TO SECSTATE WASHDC 1927
INFO AMEMBASSY BONN
AMEMBASSY BRASILIA
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C O N F I D E N T I A L SECTION 2 OF 2 USUN 6391

8. THE GREAT MAJORITY OF DELEGATIONS RESERVED THEIR POSITIONS, INCLUDING MANY THAT VOTED FOR THE RESOLUTION AND MOST OF THE 30 THAT ABSTAINED.AMONG MAJOR US ALLIES, ONLY NEW ZEALAND AND FRANCE ABSTAINED. NEW ZEALAND CITED MISGIVINGS OVER THE SCOPE AND LACK OF CONFIDENTIAL

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TIME TO CONSIDER ITS IMPLICATIONS. FRENCH REP MISTRAL SAW "TECHNICAL" AS WELL AS "POLITICAL" DIFFICULTIES, ADDING THAT FRANCE WAS "NOT CONVINCED THAT SOME OF THE PROVISIONS ... ARE COMPATIBLE WITH PROVISIONS OF THE CHARTER, PARTICULARLY THOSE IN CHAPTERS VI AND VII." NONETHELESS, MISTRAL SAID FRENCE WAS STILL STUDYING THE CONVENTION AND HAD NOT YET REACHED A "DECISION OF PRINCIPLE." NOTABLY, HE AVOIDED ANY SUGGESTION THAT THE CONVENTION WAS UNACCEPTABLE ON ITS FACE BY VIRTUE EITHER OF ITS US-SOVIET ORGINS OR OF ITS HAVING BEEN NEGOTIATED AT THE CCD.

9. THE SMALL GROUP OF COUNTRIES ACTIVELY OPPOSED TO THE CONVENTION CITED MANY OF THE CONCERNS EXPRESSED BY OTHERS, BUT ATTACHED MORE OMINOUS SIGNIFICANCE TO THEM. WHILE MEXICO TOOK THE LEAD, MAURITIUS, BURUNDI, KUWAIT, PERU, PANAMA, KENYA, AND TRINIDAD AND TOBAGO ALSO MADE STRONG STATEMENTS DENOUNCING THE CONVENTION AS AMOUNTING TO A LEGITIMATION RATHER THAN PROHIBITION OF ENVIRONMENTAL WARFARE. SOME (INCLUDING SOME DELS THAT ABSTAINED) REGISTERED A MORE GENERAL OBJECTED TO ACCEPTANCE OF ANOTHER "PARTIAL" MEASURE, OR COMPLAINED OF SUPERPOWER DICTATION. ARGENTINA REITERATED ITS SPECIFIC CONCERN OVER THE LEGAL IMPLICATIONS OF THE USE OF VIRTUALLY IDENTICAL TERMS (I.E., "WIDESPREAD," ETC.), BUT WITH VASTLY DIFFERENT MEANINGS, IN THE ENMOD CONVENTION AND THE LAWS OF WAR PROTOCOLS BEING DRAFTED IN ANOTHER FORUM. (THIS CONCERN MAY HAVE BEEN ALLEVIATED TO SOME EXTENT BY THE US OFFER TO JOIN IN CONSIDERING POSSIBLE ALTERNATIVE FORMULATION FOR THE PROTOCOLS, SINCE ARGENTINA MOVED FROM A NEGATIVE VOTE IN FIRST COMMITTEE TO AN ABSTENTION IN PLENARY.) THE ARGENTINES ALSO MADE NO SECRET OF THEIR FEAR THAT THE LIMITED PROHIBITION MIGHT BE EXPLOITED TO GIVE SANCTION TO BRAZILIAN CONSTRUCTION OF THE PARANA RIVER DAM DESPITE ITS HARMFUL CONSEQUENCES OF ARGENTINA. THIS BILATERAL ISSUE, CONFIDENTIAL

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THOUGH CLEARLY IRRELEVANT TO THE CONVENTION, WAS EQUALLY VISIBLE IN BRAZIL'S ARDENT SUPPORT FOR THE THRESHOLD.

10. SOME OPPONENTS WERE REPS OF SMALL COUNTRIES (E.G., TRINIDAD AND TOBAGO, BURUNDI) FEARFUL THAT THE CONVENTION WOULD PERMIT ACTIONS OF MINOR CONSEQUENCE TO BIG COUNTRIES BUT DISASTROUS TO SMALL ONES. THEY SAW LITTLE PROTECTION FOR THEM UNDER THE CCD'S INTERPRETATION OF "WIDESPREAD" AS ENCOMPASSING "SEVERAL HUNDRED SQUARE KILOMETERS" OR THE INTERPRETATION OF "WIDESPREAD" AS LASTING "APPROXIMATELY A SEASON." US, SOVIET, DUTCH, AND FINNISH EFFORTS TO RESPOND TO THESE CONCERNS BY UNDERSCORING THE ELEMENT OF PROPORTIONALITY IN THE CCD'S INTERPRETATION OF "SEVERE" (I.E., A PHENOMENON NOT MEETING THE "WIDESPREAD" OR "LONG-LASTING" CRITERIA MIGHT WELL BE "SEVERE" IN A SMALL COUNTRY BY CAUSING "SERIOUS OR SIGNIFICANT DISRUPTION OF HARM") APPARENTLY HELPED SOME DELEGATIONS, BUT DOUBTS LINGERED FOR OTHERS.

11. ATTITUDES TOWARD THE TREATY APPROVAL PROCESS. MANY NON-CCD-MEMBERS COMPLAINED ABOUT THE LACK OF TIME GIVEN THEM TO STUDY THE CONVENTION AND THE CCD'S REPORT (WHICH WERE NOT CIRCULATED UNTIL AFTER THE BEGINNING OF THE UNGA) BEFORE BEING PRESSED FOR A "YES" OR "NO" VERDICT. THERE WAS ALSO WIDESPREAD RESENTMENT OF THE IMPLICATION THAT THE CCD TEXT WAS UNTOUCHABLE, COULD NOT BE AMENDED, AND SHOULD NOT BE SENT BACK FOR FURTHER WORK. THIS OVERALL PROCESS, WHICH AS OF COURSE BEEN FOLLOWED SEVERAL TIMES IN THE PAST, MAY WELL BE SUBJECTED TO INCREASED SCRUTINY IN THE FUTURE, PERHAPS AT THE 1978 SPECIAL UNGA SESSION ON DISARMAMENT, AND PROPOSALS MAY BE REVIVED FOR THE CREATION OF AN INTERMEDIARY REVIEWING MACHANISM BETWEEN THE CCD AND THE UNGA.

12 NEXT STEPS. THE SECRETARIAT IS PROCEEDING WITH PREPARATIONS TO OPEN THE CONVENTION FOR SIGNATURE ONCE
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THE SIX OFFICIAL LANGUAGES OF THE TEXT HAVE BEEN AUTHENTICATED; NO PRECISE DATE HAS YET BEEN SET.

13. OUR SUCCESS IN THE ASSEMBLY WITH THE RESOLUTION SUPPORTING THE CONVENTION AND OUR ANTICIPATED EARLY SIGNATURE SHOULD NOT, IN OUR VIEW, BE SEEN AS THE END OF US DIPLOMATIC EFFORTS TO PROMOTE THE CONVENTION. IT MAY WELL PROVE, PERHAPS WITH SOME DELAY, THE MOST OF THE COUNTRIES WHOSE ADHERENCE WOULD BE

ESPECIALLY DESIRABLE WILL CONCLUDE THAT THEY SHOULD JOIN IT, DESPITE WHATEVER RESERVATIONS THEY MAY HAVE. NEVERTHELESS, IN VIEW OF THE CONCERNS AND DOUBTS PREVALENT IN THE UNGA DEBATE, FURTHER EFFORTS SEEM WARRANTED OVER THE COMING MONTHS TO ALLAY MISGIVINGS, ESPECIALLY AMONG THE NONALIGNED AND SMALLER COUNTRIES, AND TO ENCOURAGE THE WIDEST POSSIBLE ADHERENCE. IN THE LONG RUN, THE SUCCESS OF OUR EFFORTS AT THE 1976 UNGA WILL BE CONFIRMED AND CONSOLIDATED ONLY IF A SIGNIFICANTLY BROAD AND REPRESENTATIVE RANGE OF UN MEMBERS CONCLUDE THAT THE CONVENTION IS, AS WE BELIEVE, A USEFUL STEP IN PREVENTIVE ARMS CONTROL WORTHY OF GENERAL SUPPORT.

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